

presented same to the Governor for his approval.

SMITH, Chairman.

By Caldwell.

S. B. No. 43.

An Act to make appropriation for the maintenance of the State Council of Defense and the payment of the Secretary thereof and his assistants, traveling expenses and other necessary expenses to be incurred by the State Council of Defense, including clerk hire, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That there be, and there hereby is appropriated out of any funds in the State Treasury not otherwise appropriated, for the payment of the salary of the Secretary of the State Council of Defense and the Assistant Secretary thereof and other necessary assistants of said State Council of Defense for clerk hire and traveling expenses and other necessary expenses of said State Council of Defense, for the fiscal year ending August 31, 1918, the sum of twenty-five thousand (\$25,000.00) dollars, or so much thereof as may be necessary, and for the fiscal year ending the 31st day of August 1919, the further sum of twenty-five thousand (\$25,000.00) dollars, or so much thereof as may be necessary.

Section 2. The money hereby appropriated shall be paid out under the direction of the State Council of Defense upon voucher approved as now provided by law.

Section 3. The fact that the public welfare demands that the work of the State Council of Defense be carried on in an effective manner, and that the appropriation herein provided for is absolutely necessary for the maintenance of said State Council of Defense and its necessary work create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this bill be placed upon its third reading and final passage and that it take effect and be in force from and after its passage, and it is hereby so enacted.

TWENTIETH DAY.

Senate Chamber,
Austin, Texas.

Thursday, March 21, 1918.

The Senate met at 9 o'clock a. m. pursuant to adjournment, and was called to order by President Pro Tem. Decherd.

By unanimous consent, and on request of Senator Alderdice, the Senate stood at ease for thirty minutes, at the expiration of which time the roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Clark.	McNealus.
Collins.	Page.
Dean.	Parr.
Decherd.	Robbins.
Faust.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Hall.	

Absent.

Woodward.

Absent—Excused.

Dayton.
Hudspeth.

Smith.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Alderdice.

Excused.

Senator Smith was excused for today and indefinitely, on account of important business, on motion of Senator Hopkins.

Petitions and Memorials.

There were none today.

Committee Reports.

See Appendix.

Bills and Resolutions.

By Senator McNealus.

S. B. No. 108, A bill to be entitled "An Act to amend Section 1, Chapter 189, of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-fifth Legislature of the State of Texas, 1917, relating to official shorthand reporters compensation in Dallas County."

Read first time and referred to the Committee on Labor.

By Senator Johnson of Hall.

S. B. No. 109, A bill to be entitled "An Act to amend Section 2 of an Act passed by the First Called Session of the Thirty-first Legislature, Chapter 8, Special Laws, entitled: 'An Act to authorize, enable and permit the territory situated within the bounds of the city of Amarillo, in the County of Potter and State of Texas, and other land and territory adjacent thereto in Potter County to incorporate as an independent school district for free school purposes only, to be known as the Amarillo Independent School District, with all the powers, rights and duties of independent school districts formed by incorporations of towns and villages for free school purposes only; and to provide for the election of trustees, raising of revenue by taxation, issuing of bonds, acquiring the property of, and assuming the indebtedness of the Amarillo Independent School District and of the Amarillo Independent School District within the city limits, and dissolving the Amarillo Independent School District within the city limits, and repealing Chapter 136, Acts of 1905, relating to the incorporation of the Amarillo Independent School District, and declaring an emergency,' so as to add certain territory in Randall County, and declaring an emergency."

Read first time and referred to the Committee on Educational Affairs.

By Senator Caldwell.

S. B. No. 110, A bill to be entitled "An Act to amend Chapter 133, page 336 of the General Laws of the Regular Session of the Thirty-fifth Legislature, so as to provide that said Act shall apply to any person, corporation or collection of persons or partnership who pursue the business of collecting accounts due to any per-

sons or partnerships or corporation for merchandise or goods actually sold and delivered or for services performed or for premises occupied or for rentals and who charge a reasonable fee for collecting such bona fide accounts past due, and declaring an emergency."

Read first time and referred to the Committee on Civil Jurisprudence.

By Senator Page.

S. B. No. 111, A bill to be entitled "An Act making it the duty of the sheriffs, constables, and their deputies, the policemen and all other officers of the State, to assist the officers of the United States whose duty it is to enforce the provisions of an Act of Congress entitled 'An Act to prohibit the manufacture, distribution, storage, use and possession in time of war of explosives, providing regulations for the safe manufacture, distribution, storage, use and possession of the same, and for other purposes,' and making it the duty of said peace officers to report to the proper officers of the United States any fact or circumstance showing, or indicating a violation of said Act, providing a punishment for the failure of any such peace officer to discharge the duties imposed by the provisions of this Act; providing for change of venue, and declaring an emergency."

Read first time and referred to the Committee on Criminal Jurisprudence.

Simple Resolution No. 46.

Whereas, The sanitation of the ladies toilet in the Capitol is very poor; therefore, be it

Resolved, by the Senate, That the Superintendent of Public Buildings and Grounds is hereby requested to see that said toilet be put and kept in first class sanitary condition.

CLARK.

The resolution was read and adopted.

Simple Resolution No. 47.

Whereas, There is being carried on in Texas an energetic campaign for the purpose of increasing the food supply, and

Whereas, There is great scarcity of farm labor, on account of so many

of our patriotic farm boys having enlisted in the army, and

Whereas, There are thousands of able bodied men in Texas now engaged in various occupations not calculated in any way to increase production, but rather to increase consumption, whose positions can be efficiently supplied by women; therefore, be it

Resolved, That the Senate of Texas request the National Congress to enact such legislation as will meet this situation.

GIBSON.

The resolution was read and adopted.

Bills Signed.

The Chair, President Pro Tem. Decherd, gave notice of signing and did sign, in the presence of the Senate, after their captions had been read, the following bills.

S. B. No. 54, A bill to be entitled "An Act to amend Sections 12 and 16 of the Special Road Law for Smith County, Texas, passed at the Regular Session of the Thirty-third Legislature, and known as Chapter 70 of the Special Laws of said Thirty-third Legislature, etc., and declaring an emergency."

S. B. No. 58, A bill to be entitled "An Act granting permission to John H. Elliott to bring suit against the State of Texas in the district court of Anderson County, Texas, for damages for personal injuries received by him while on duty as a bridge carpenter in the employ of the Texas State Railroad; providing that such suit may be filed within two years after this act takes effect; and providing that such cause of action shall not be barred until two years after this Act takes effect; and providing for the method of serving process and for procedure governing the trial and determination of such suit, and declaring an emergency."

S. B. No. 28, A bill to be entitled "An Act creating a court to be styled the Commission of Appeals of the State of Texas, to consist of six persons learned in the law, to be appointed by the Governor by and with the advice of the Senate, which shall sit in two sections, known as Section A and Section B, each section consisting of three members, and who shall hold their offices for two years

and receive for their services a salary of \$5,000 per annum, and declaring an emergency."

House Bill No. 105.

The Chair laid before the Senate on third reading:

H. B. No. 105, A bill to be entitled "An Act to provide that women may vote in all primary elections and nominating conventions in Texas; prescribing qualifications for such voters, providing for registration in cities of 10,000 and over, and declaring an emergency."

The bill was laid before the Senate, read third time and, on motion of Senator Collins, was passed by the following vote:

Yeas—18.

Alderdice.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Collins.	McCollum.
Dean.	McNealus.
Decherd.	Page.
Floyd.	Suiter.
Henderson.	Westbrook.

Nays—4.

Bailey.	Faust.
Clark.	Gibson.

Absent—Excused.

Smith.

Pairs Recorded.

Senator Caldwell (present), who would vote "nay"; Senator Dayton (absent), who would vote "yea."

Senator Parr (present), who would vote "nay;" Senator Woodward (absent), who would vote "yea."

Senator Hall (present), who would vote "nay;" Senator Strickland (absent), who would vote "yea."

Senator Robbins (present), who would vote "yea;" Senator Hudspeth (absent), who would vote "nay."

House Bill No. 52.

The Chair laid before the Senate on second reading:

H. B. No. 52, A bill to be entitled "An Act to amend Article 889 passed at the Regular Session of the

Thirty-fourth Legislature, amending Chapter 6, Title 13, of the Penal Code of 1911, and which amendment relates to the closed season for killing doves, and declaring an emergency."

On motion of Senator Caldwell, the bill was laid on the table subject to call.

House Bill No. 108.

The Chair laid before the Senate on second reading:

H. B. No. 108, A bill to be entitled "An Act to amend Section 9 of Chapter 17, Special Laws passed at the First Called Session of the Thirty-third Legislature, entitle 'San Patricio County Road System—Creating,' authorizing said county or any political subdivision or defined district thereof to issue bonds not exceeding forty years from date of issuance, with such options of redemption as may be fixed by the commissioners court, or to issue such bonds to mature serially in approximately equal portions every year for not exceeding forty years, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 108 put on its third reading and final passage by the following vote:

Yeas—22.

Alderdice.	Gibson.
Bee.	Henderson.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnson of Hall.
Caldwell.	Lattimore.
Clark.	McCollum.
Collins.	McNealus.
Dean.	Page.
Decherd.	Parr.
Faust.	Suiter
Floyd.	Westbrook.

Absent.

Bailey.	Robbins.
Hall.	Strickland.
Johnston of Harris.	Woodward.

Absent—Excused.

Dayton.	Smith.
Hudspeth.	

The bill was laid before the Senate, read third time and, on motion of Senator Parr, was passed by the following vote:

Yeas—22.

Alderdice.	Gibson.
Bee.	Henderson.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnson of Hall.
Caldwell.	Lattimore.
Clark.	McCollum.
Collins.	McNealus.
Dean.	Parr.
Decherd.	Strickland.
Faust.	Suiter
Floyd.	Westbrook.

Absent.

Bailey.	Page.
Hall.	Robbins.
Johnston of Harris.	Woodward.

Absent—Excused.

Dayton.	Smith.
Hudspeth.	

House Bill No. 141.

The Chair laid before the Senate on second reading:

H. B. No. 141, A bill to be entitled "An Act to further regulate the conducting of fish hatcheries and the propagation of fish in this State by amending Article 4000 of the Revised Civil Statutes of this State, 1911, as amended by Chapter 146 of the Acts of the Thirty-third Legislature, providing for the distribution by the State fish hatcheries of fish to private persons, providing that the Game, Fish and Oyster Commissioner of the State of Texas, as well as the United States Commissions of Fisheries or their duly authorized agents, may take or catch brood fish from the public fresh waters of this State for the purpose of propagation, etc., providing a penalty for violation of this statute, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Faust, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 141 put on its third reading and final passage by the following vote:

Yeas—22.

Alderdice.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Dean.	McNealus.
Decherd.	Page.
Faust.	Parr.
Floyd.	Strickland.
Gibson.	Suiter.
Henderson.	Westbrook.

Absent.

Bailey.	Hall.
Clark.	Robbins.
Collins.	Woodward.

Absent—Excused.

Dayton.	Smith.
Hudspeth.	

The bill was laid before the Senate, read third time and, on motion of Senator Faust was passed finally.

House Bill No. 70.

The Chair laid before the Senate on second reading:

H. B. No. 70, A bill to be entitled "An Act to amend Chapter 88, Acts of the Regular Session of the Thirty-fifth Legislature, providing a more adequate system of laws relating to irrigation and by adding thereto after Section 61, Section 61a, and by adding thereto after Section 64, Sections 64a and 64b, providing for the entry of decisions, orders, and fixing of rates by the board for furnishing water and permitting persons, firms, and corporations interested therein to file proceedings in the District Court of Travis County, Texas, for a review and revision of rates, fixing the burden of proof in such proceedings, and declaring an emergency."

The committee report that the bill be printed in the Journal only was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Lattimore, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 70 put on its third reading and final passage by the following vote:

Yeas—21.

Alderdice.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Clark.	McNealus.
Decherd.	Parr.
Faust.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Henderson.	

Absent.

Bailey.	Page.
Collins.	Robbins.
Dean.	Woodward.
Hall.	

Absent—Excused.

Dayton.	Smith.
Hudspeth.	

The bill was laid before the Senate, read third time and, on motion of Senator Lattimore, was passed finally.

House Bill No. 94.

The Chair laid before the Senate on second reading:

H. B. No. 94. A bill to be entitled "An Act for the protection of the health, safety and comfort of the employes in factories, mills, workshops, mercantile establishments, laundries, or other establishments where women are employed, providing for proper temperature and ventilation for the protection of the health of the employes, requiring the removal of gas, effluvia or odors from places where employes are required to work and means to allay dust injurious to the health of persons employed, prohibiting decomposed or putrescent matter or refuse of any kind to be allowed to remain in or around such place of employment, providing for cleaning, sweeping and dusting outside of working hours, requiring doors used by employes as entrances or exits to open outward, prescribing the number of water closets, earth closets or privies to be supplied and requiring separate closets for males and females, requiring such closets to be kept clean and effectively disinfected and ventilated, authorizing the Commissioner of Labor Statistics or any of his deputies or inspectors to enter any

factory, mill, workshop, mercantile establishment, laundry or other establishment for making inspection and enforcing the provisions of the Act, authorizing the said Commissioner, his deputies or inspectors to issue an order for the correction of unsanitary or immoral conditions or neglect to remove fumes and gases injurious to employes where females are employed; in case of failure or refusal on the part of owner, superintendent, manager or other person in control or management of such establishment, giving the Commissioner of Labor Statistics his deputies or inspectors power to close such establishment or any part of it until such time as said orders are complied with, providing how such powers may be exercised and providing a method of testing the validity, etc., of such orders, fixing penalties for violation of provisions of the Act, and declaring an emergency."

The committee report that the bill be not printed was adopted.

Senator Bee offered the following amendments which were read and adopted, seriatim:

(1) Amend House Bill No. 94, page 5, Section 8, line 7, by striking out the words "who must," and inserting in lieu thereof the word "so."

Amend House Bill No. 94, page 5, Section 8, lines 7 and 8 by striking out the following words: "clear and satisfactory evidence."

(2) Amend House Bill No. 94, page 2, Section 3, line 23 by inserting after the word "avoid" the following: "so far as possible."

Amend House Bill No. 94, page 3, Section 5, line 10 by inserting after the word "times" the following: "during operation of such establishment."

(3) Amend House Bill No. 94, by striking out the word "woman" wherever it occurs in the caption, or the body of the bill, and substitute therefor the word "females."

McNEALUS.

BEE.

COLLINS.

(4) Amend the bill by adding after line 26, page 3, the following: "In case there be more than one shift, of not more than eight hours work of employes the average number of persons in the establishment at any one time should be used in

determining the number of toilets required.

BEE.

McNEALUS.

COLLINS.

Senator Floyd offered the following:

Amend the bill at the end of Section 9, as follows:

The provisions of this Act shall not apply to "mercantile establishments" in towns or cities with 3,000 population or under.

FLOYD.

On motion of Senator Clark, the amendment was tabled.

Senator Dean offered the following amendment which was read:

(5) Amend the bill by adding at the end of Section 4, and as a part of said Section, the following: "Provided that the provisions of this Section shall not apply to any mercantile establishment having seven female employes or less."

Senator Floyd offered the following substitute for the pending amendment:

Amend the bill at the end of Section 9, as follows: "The provisions of this Act shall not apply to mercantile establishments in towns of 2,500 population or under."

FLOYD.

On motion of Senator McNealus, the substitute was tabled.

Action recurred upon the amendment offered by Senator Dean, and the same was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Bee, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 94 put on its third reading and final passage by the following vote:

Yeas—23.

Alderdice.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Clark.	Page.
Collins.	Parr.
Dean.	Strickland.
Decherd.	Suiter.
Faust.	Westbrook.
Floyd.	Woodward.
Gibson.	

Absent.

Bailey. McCollum.
Hall. Robbins.
Henderson.

Absent—Excused.

Dayton. Smith.
Hudspeth.

The bill was laid before the Senate, read third time and, on motion of Senator Bee, was passed finally.

House Bill No. 101.

The Chair laid before the Senate on second reading:

H. B. No. 101, A bill to be entitled "An Act to amend Article 7828 of the Revised Civil Statutes of Texas, 1911, providing the Governor shall appoint nine persons as public weighers in every city which receives annually 100,000 bales of cotton."

On motion of Senator Hall, the bill was laid on the table subject to call.

House Bill No. 119.

The Chair laid before the Senate on second reading:

H. B. No. 119, A bill to be entitled "An Act to validate the sale of certain public domain by the State on February 21, 1909, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Collins, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 119 put on its third reading and final passage by the following vote:

Yeas—22.

Alderdice.	Gibson.
Bee.	Hall.
Buchanan of Bell.	Henderson.
Buchanan of Scurry.	Hopkins.
Caldwell.	Johnson of Hall.
Clark.	Johnston of Harris.
Collins.	Lattimore.
Dean.	Page.
Decherd.	Parr.
Faust.	Suiter
Floyd.	Westbrook.

Absent.

Bailey. Robbins.
McCollum. Strickland.
McNealus. Woodward.

Absent—Excused.

Dayton. Smith.
Hudspeth.

The bill was laid before the Senate, read third time and, on motion of Senator Collins, was passed finally.

House Bill No. 155.

The Chair laid before the Senate on second reading:

H. B. No. 155, A bill to be entitled "An Act to amend Section 2 of House Bill No. 525, enacted by the Thirty-fifth Legislature of the Regular Session creating the Nixon Independent School District and as amended by Section 1, House Bill No. 89, Thirty-fifth Legislature, First Called Session, revising metes and bounds of said district, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Faust, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 155 put on its third reading and final passage by the following vote:

Yeas—23.

Alderdice.	Hall.
Bee.	Henderson.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnson of Hall.
Caldwell.	Johnston of Harris.
Clark.	Lattimore.
Collins.	McNealus.
Dean.	Page.
Decherd.	Parr.
Faust.	Suiter
Floyd.	Westbrook.
Gibson.	

Absent.

Bailey. Strickland.
McCollum. Woodward.
Robbins.

Absent—Excused.

Dayton. Smith.
Hudspeth.

The bill was laid before the Senate, read third time and, on motion of Senator Faust, was passed finally.

Message from the House.

Hall of House of Representatives.
• Austin, Texas, March 21, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: I am directed by the House to inform the Senate that the House has

Adopted

H. C. R. No. 9, relating to sale of box factory located at Rusk, Texas.

Adopted

H. C. R. No. 10, relating to leasing lands for Juvenile Training School.

Passed

H. B. No. 134, A bill to be entitled "An Act to authorize the payment by the State Prison Commission of debt contracted by the Prison Commission prior to January 7, 1915, for which appropriation was made from the general revenues by Chapter 201, Acts of the Thirty-fifth Legislature, Regular Session; providing that the sum of three hundred and sixty-two thousand four hundred and twenty-three and 43-100 dollars, paid in discharge of prison system indebtedness from the general revenues for the fiscal year beginning September 1, 1917, be transferred from the special funds of the Prison Commission to the general revenue; providing that the sum of three hundred and eighty-seven thousand seven hundred and eighty-three and 51-100 dollars provided to be paid from the general revenues during the fiscal year beginning September 1, 1918, in discharge of prison system indebtedness be paid from the funds of the prison system at the time and under the conditions specified in the said acts providing for payment of such Prison Commission indebtedness and interest thereon, and declaring an emergency."

Respectfully,

BOB BARKER,
Chief Clerk House of Representatives.

Bills Read and Referred.

The Chair, President Pro Tem. Decherd had referred, after their

captions had been read, the following bills:

H. B. No. 134, referred to the Committee on State Penitentiaries.

H. C. R. No. 9, referred to the Committee on State Penitentiaries.

H. C. R. No. 10, referred to the Committee on State Penitentiaries.

House Bill No. 120.

The Chair laid before the Senate on second reading:

H. B. No. 120, A bill to be entitled "An Act granting the State Superintendent of Public Instruction authority to extend teacher's certificates, naming the conditions under which they may be extended, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Bee, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 120 put on its third reading and final passage by the following vote:

Yeas—23.

Alderdice.	Henderson.
Bee.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Clark.	McNealus.
Collins.	Page.
Dean.	Parr.
Decherd.	Strickland.
Faust.	Sulter.
Floyd.	Westbrook.
Gibson.	

Absent.

Bailey.	Robbins.
Hall.	Woodward.
McCollum.	

Absent—Excused.

Dayton.	Smith.
Hudspeth.	

The bill was laid before the Senate, read third time and, on motion of Senator Bee, was passed finally

Morning call concluded.

Senate Bill No. 66—House Amendments Concurred In.

Senator Caldwell called up for consideration of House amendments to S. B. No. 66, A bill to be entitled "An Act to amend Section 14, Chapter 87, Acts of the Thirty-fifth Legislature, Regular Session, 1917, relating to the appointment of a tax assessor and collector of water improvement districts, providing that such tax assessors and collectors may be appointed by the directors or may be elected at an election called for that purpose, providing for the selection, qualification, bond, compensation and duties of tax assessors and collectors of water improvement districts; and declaring an emergency."

The following House amendments were laid before the Senate and read:

(1) Amend Senate Bill No. 66, page 1, by striking out the figures "14" in line 1, Section 1, of the original bill, and inserting in lieu thereof the figures "15."

(2) Amend the caption of Senate Bill No. 66, striking out the figures "14" in line 1 of the original bill and inserting in lieu thereof the figures "15."

The foregoing amendments were concurred in by the following vote:

Yeas—23.

Alderdice.	Hall.
Bec.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Clark.	McNealus.
Collins.	Parr.
Dean.	Robbins.
Decherd.	Strickland.
Faust.	Sulter.
Floyd.	Westbrook.
Gibson.	

Present—Not Voting.

Bailey.

Absent.

Henderson.	Page.
McCollum.	Woodward.

Absent—Excused.

Dayton.	Smith.
Hudspeth.	

Senate Bill No. 67—House Amendments Concurred In.

Senator Caldwell called up for consideration of House amendments to

S. B. No. 67, A bill to be entitled "An Act to amend Article 2585, Chapter 4, Title 47 of the Revised Civil Statutes of 1911, relating to the qualifications of drainage district commissioners, providing for the appointment of such commissioners and their qualifications, compensation, term of office, providing for their election instead of appointment upon petition of voters and providing the duties of such officers; and declaring an emergency."

The following House amendment was laid before the Senate:

Amend Senate Bill No. 67, by striking out the figures "2.30" where they occur and inserting "2.50" in lieu thereof.

The foregoing amendment was concurred in by the following vote:

Yeas—22.

Alderdice.	Floyd.
Bailey.	Hopkins.
Bec.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Clark.	Parr.
Collins.	Robbins.
Dean.	Strickland.
Decherd.	Sulter.
Faust.	Westbrook.

Present—Not Voting.

Page.

Absent.

Gibson.	McCollum.
Hall.	Woodward.
Henderson.	

Absent—Excused.

Dayton.	Smith.
Hudspeth.	

(Senator Hopkins in the chair.)

Senate Bill No. 85.

The Chair laid before the Senate on second reading:

S. B. No. 85, A bill to be entitled "An Act to amend Article 6552, Title 115, Chapter 10 of the Revised Civil Statutes of 1911, providing that trains shall be regulated and notice shall be given of the time of trains, their places of stopping for freight and passengers; providing further that no railroad company, manager or receiver shall cease to operate

trains on any railroad, and if they have so ceased to operate shall resume operation; providing further that the Railroad Commission of the State of Texas shall enforce the regulations hereof, and shall report to the Attorney General violations hereof, who shall file suit to enforce the same, and that this Act shall be cumulative of all laws now in effect on this subject, and declaring an emergency."

Senator Suiter offered the following amendments which were read and adopted, seriatim:

(1) Amend the printed bill, page 2, lines 5 and 6 by striking out the words "in whole or in part" and insert in lieu thereof the following, "or any part thereof."

(2) Amend the printed bill, page 2, lines 11 and 12 by striking out all of line 11 after the word "road," and the first word in line 12.

(3) Amend the printed bill, page 2, line 12 by striking out at the end of said line the letters "regu" and insert in lieu thereof the following: "Regulations of the Railroad Commission."

(4) Amend the printed bill, page 2, line 14, by striking out the word "fail," in said line and insert after the word "shall" and before the words "to operate" the following, "Attempt to abandon any railroad or part thereof by failing."

(5) Amend the printed bill, page 2, lines 15 and 16 by striking out all after the comma in line 15 and all of line 16 down to and including the word "said" and insert in lieu thereof the following, "If the operation of trains has been abandoned the railroad."

(6) Amend the printed bill, page 2, by changing the period in line 7 to a semi-colon and add the following, "Provided further the provisions of this Act shall not apply to railroads to which the right of eminent domain is not granted under the laws of this State."

The bill was read second time and passed to engrossment.

On motion of Senator Suiter, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 85 put on its third reading and final passage by the following vote:

Yeas—22.

Alderdice. Bailey.

Bee.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Clark.	McNealus.
Collins.	Parr.
Faust.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Hall.	Woodward.

Absent.

Dean.	McCollum.
Decherd.	Page.
Henderson.	Robbins.

Absent—Excused.

Dayton.	Smith.
Hudspeth.	

The bill was laid before the Senate, read third time and, on motion of Senator Suiter, was passed by the following vote:

Yeas—21.

Alderdice.	Hall.
Bee.	Hopkins.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Clark.	Parr.
Collins.	Strickland.
Decherd.	Suiter.
Faust.	Westbrook.
Floyd.	Woodward.
Gibson.	

Present—Not Voting.

Bailey.

Absent.

Dean.	McCollum.
Henderson.	Page.
Johnson of Hall.	Robbins.

Absent—Excused.

Dayton.	Smith.
Hudspeth.	

Senator Suiter moved to reconsider the vote by which the bill was passed and table the motion to reconsider.

The motion to table prevailed.

Messages from the Governor.

A messenger here appeared at the bar of the Senate with several executive messages, which were laid before the Senate and read as follows:

Governor's Office,
Austin, Texas, March 21, 1918.

To the Thirty-fifth Legislature in
Fourth Called Session.

At the request of Senator W. A. Johnson and Hon. J. W. Crudgington, I submit for your consideration the subject of amending the Amarillo Independent School District law.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office,
Austin, Texas, March 21, 1918.

To the Thirty-fifth Legislature in
Fourth Called Session.

At the request of the Attorney General's Department, I submit for your consideration the enactment of a law making it the duty of the Secretary of State to examine and consider applications for refund for permit fee and franchise taxes paid by foreign corporations, under protest, against constitutionality of the Permit Fee and Franchise Tax Acts of the State of Texas recently held void by the Supreme Court of the United States; defining the duties of the Secretary of State with reference to this matter and regulating the method of approving and registering these claims; authorizing suits to be brought against the Secretary of State in his official capacity in any district court of Travis County, for the establishment and allowance of any claims rejected by the Secretary of State in the event of a final judgment establishing any claim; prescribing the period of time within which such claims must be presented to the Secretary of State and within which suits must be filed on rejected claims and fixing a period of limitation when such claims shall be void. In connection with this subject, I submit a copy of a letter received from the Attorney General's Department.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

State of Texas.

Attorney General's Department.

Austin, Texas, March 20, 1918.

Hon. W. P. Hobby, Governor of
Texas, Austin, Texas.

Sir: In November, 1914, Crane Company, a foreign corporation having a permit to transact business in

the State of Texas, brought an injunction suit in the Federal Court against the Attorney General and the Secretary of State for the purpose of enjoining them from enforcing against this company the provisions of Revised Statutes, Articles 3837 and 7394, which articles require the payment of permit fees and franchise taxes by foreign corporations seeking to transact business or transacting business in the State of Texas.

This suit, following the usual course, was finally decided in the Supreme Court of the United States, and by that Court these Articles of the Statute were recently held void, as being in violation of the Constitution of the United States.

After the filing of this suit and possibly in a few instances prior thereto, foreign corporations at the time of paying permit fees or franchise taxes protested to the Secretary of State that the statutes referred to were void, as being in violation of the Constitution of the United States, and paid such permit fees and franchise taxes "Under protest." I am unable to state the number of protests or the amount of fees and taxes paid under protest. However, in December, 1915, Mr. McKay, at that time Secretary of State, gave us a certificate in which he stated that approximately twenty per cent in number, sixty per cent in amount, of franchise taxes had been paid under protest up to that time.

These taxes paid under protest, under the opinion of the Supreme Court of the United States, have been of course, unlawfully* exacted, and may be recovered from the State of Texas in an action brought for the purpose, provided the State consents to the bringing of the necessary suits. They are, also, recoverable against the respective Secretaries of State who received the same, although such officers paid the same into the Treasury of the State of Texas; and there are now pending several suits against the respective Secretaries of State who collected such taxes, and we are credibly informed that other suits will be filed against these men in their personal capacities, and, in all probability, personal judgment will be recovered against them for these taxes which were thus collected and paid into the Treasury of the State of Texas.

Permit fees and franchise Taxes

which were not paid under protest but which were paid voluntarily cannot, of course, be recovered. Gaar, Scott & Company versus Shannon. 223 U. S., page 468.

Because of the situation which confronts the State, we have concluded to recommend to your Excellency, that some method be adopted by which the amount of permit fees and taxes which have been paid under protest may be ascertained and this amount, with the names of the parties to whom due, be properly certified to the next session of the Legislature, in order that appropriation may be made, if the Legislature desires, for the payment of these claims. Unless this is done, then it is quite probable that the personal actions against the respective Secretaries of State will prevail and these gentlemen be made to respond out of their personal funds for the taxes and fees collected under the statutes of the State and paid into the treasury of the State.

We direct your attention to this matter at this time for such action as you may deem appropriate, with the additional information that we have stated to some of the parties making these claims that we would direct your attention to the situation, in order that legislative action may be taken which will relieve the condition which now confronts the State.

Very truly yours,
C. M. CURETON,
First Assistant Attorney General.

Senate Bill No. 37.

The Chair laid before the Senate on third reading.

S. B. No. 37, A bill to be entitled "An Act to amend Article 3842, Revised Civil Statutes of 1911, relating to fees chargeable by the General Land Office of Texas."

Senator Buchanan of Scurry offered the following amendment which was read and adopted by unanimous vote:

Amend Senate Bill No. 37 by adding thereto the emergency Section No. 2, and amending the caption so as to declare an emergency.

Section 2. The importance of the necessity of adjusting and regulating certain fees now required by law to be charged in the General Land Office, the near approach of the close

of this session of the Legislature, and the crowded condition of the calendar creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and same is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted.

The bill was laid before the Senate, read third time and, on motion of Senator Buchanan of Scurry, was passed by the following vote:

Yeas—23.

Alderdice.	Henderson.
Bee.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Clark.	Parr.
Collins.	Robbins.
Dean.	Strickland.
Faust.	Suiter.
Floyd.	Westbrook.
Gibson.	Woodward.
Hall.	

Present—Not Voting.

Bailey.

Absent.

Decherd. McCollum.
Johnston of Harris. Page.

Absent—Excused.

Dayton. Smith.
Hudspeth.

Message from the House.

Hall of House of Representatives.
Austin, Texas, March 21, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: I am directed by the House to inform the Senate that the House has

Refused to pass

S. B. No. 35, A bill to be entitled "An Act to amend Sections 3, 16 and 19 of Chapter 83 of an Act approved March 16, 1917, relating to the development of minerals in public lands by requiring applications to be filed in the General Land Office instead of with the county clerk and providing that permits shall be issued to the one who makes the highest cash offer for the area in addition to the one-eighth royalty, and providing for the employment of a mineral inspector

and making an appropriation therefor, and declaring an emergency." Copy herewith transmitted.

Respectfully,
BOB BARKER,
Chief Clerk House of Representatives.

Senate Bill No. 91.

The Chair laid before the Senate on second reading:

S. B. No. 91, A bill to be entitled "An Act to provide for the payment to Mrs. J. D. Skelton, daughter of Colonel William Fitzhugh, deceased, the amount due the said Colonel William Fitzhugh and remaining unpaid by the State of Texas for the purchase by the State of Texas, from Colonel William Fitzhugh, of mules for the Ranger Service, prior to 1860."

The committee report that the bill be not printed was adopted.

Senator Collins offered the following amendment which was read and adopted.

(1) Amend the bill as follows: Strike out "Mrs. J. D. Skelton, daughter," in line 5 of the bill and insert in lieu the words "heirs," and amend the caption accordingly.

Senator Gibson offered the following amendment which was read and lost.

Amend the bill by adding another Section, to be numbered Section 2, to read as follows:

Attorneys fees to be paid from the sum hereby appropriated shall not exceed twenty per cent.

(President Pro Tem. Decherd in the chair.)

Senator McNealus offered the following amendment which was read and adopted:

(2) Amend Senate Bill No. 91, by adding a new Section to be known as Section 2, which shall read as follows:

Sec. 2. The crowded condition of the calendar, together with the impending close of the session, causing the likelihood of the failure of this measure unless the rules are suspended creates an emergency and an imperative public necessity that the constitutional rule requiring that bills be read on three several days be suspended and the same is hereby suspended and this Act shall take

effect from and after its passage. Amend the caption to conform.

Senator Strickland moved the previous question on the engrossment of the bill which, being duly seconded was ordered.

The bill was laid before the Senate, read second time and, on motion of Senator McNealus, failed to pass to engrossment by the following vote:

Yeas—9.

Alderdice.	Henderson.
Bee.	McCollum.
Caldwell.	McNealus.
Collins.	Woodward.
Gibson.	

Nays—17.

Bailey.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Clark.	Page.
Dean.	Robbins.
Decherd.	Strickland.
Faust.	Suiter.
Floyd.	Westbrook.
Hall.	

Present—Not Voting.

Lattimore.	Parr.
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Absent—Excused.

Dayton.	Smith.
Hudspeth.	

Senator Hopkins moved to reconsider the vote by which the Senate refused to pass the bill, to engrossment and table the motion to reconsider.

The motion to table prevailed.

Senate Bill No. 63.

The Chair laid before the Senate on second reading:

S. B. No. 63, A bill to be entitled "An Act to amend Chapter 6, Title 16, of the Penal Code of 1911, by adding thereto Article 1055a, making it a penal offense for any person to cause, encourage or contribute to the delinquency of any minor under the age of seventeen years, and declaring an emergency."

Senator Lattimore offered the following amendments which were read and adopted:

(1) Amend Senate Bill No. 63 by adding after the words "resort or reside in line 27 of the printed bill, the

following, "or knowingly permitting any such minor to remain in any such house or at any such place."

(2) Amend Senate Bill No. 63, by adding thereto after the words "welfare of such minor" at the end of Section 1, the following, "In all prosecutions under this clause of the statute, the general reputation of the women who resort or reside or who may be found at such place, for chastity, may be admitted in evidence."

The bill was read second time and passed to engrossment.

On motion of Senator Lattimore, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 63 put on its third reading and final passage by the following vote:

Yeas—26.

Alderdice.	Henderson.
Bee.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Clark.	McCollum.
Collins.	Page.
Dean.	Parr.
Decherd.	Robbins.
Faust.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Hall.	Woodward.

Absent.

Bailey. McNealus.

Absent—Excused.

Dayton. Smith.
Hudspeth.

The bill was laid before the Senate, read third time and, on motion of Senator Lattimore, was passed by the following vote:

Yeas—26.

Alderdice.	Henderson.
Bee.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Clark.	McNealus.
Collins.	Page.
Dean.	Parr.
Decherd.	Robbins.
Faust.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Hall.	Woodward.

Absent.

Bailey. McCollum.

Absent—Excused.

Dayton. Smith.
Hudspeth.

Senator Latimore moved to reconsider the vote by which the bill was passed and table the motion to reconsider.

The motion to table prevailed.

Recess.

At 12:15 o'clock p. m. Senator Clark moved that the Senate recess until 2:00 o'clock today.

The motion prevailed.

After Recess:

(Afternoon Session.)

The Senate was called to order by President Pro Tem. Decherd.

Senate Bill No. 108.

Senator McNealus moved that the constitutional rule requiring bills to be read on three several days be suspended and Senate Bill No. 108 put on its second reading.

The motion prevailed by the following vote:

Yeas—21.

Alderdice.	Hopkins.
Bailey.	Johnson of Hall.
Bec.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Clark.	McNealus.
Dean.	Page.
Decherd.	Parr.
Faust.	Robbins.
Floyd.	Westbrook.
Hall.	

Absent.

Buchanan of Bell. Strickland.
Collins. Suiter.
Gibson. Woodward.
Henderson.

Absent—Excused.

Dayton. Smith.
Hudspeth.

The Chair laid before the Senate on second reading:

S. B. No. 108, A bill to be entitled "An Act to amend Section 1, Chapter 189 of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-fifth Legislature of the State of Texas, 1917, relating to official short hand reporters' compensation in Dallas County."

The Senate rule requiring committee reports to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

Senator McNealus offered the following amendment which was read and adopted:

"Section 2. The imperative need of legislation to provide the increased compensation provided in this bill, and the fact that the end of the Fourth Called Session of the Thirty-fifth Legislature is near, creates an emergency and imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and that this Act take effect and be in force from and after its passage and it is so enacted."

The bill was read second time and passed to engrossment.

On motion of Senator McNealus, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 108 put on its third reading and final passage by the following vote:

Yeas—21.

Alderdice.	Hall.
Bailey.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Clark.	McCollum.
Collins.	McNealus.
Dean.	Page.
Decherd.	Parr.
Faust.	Westbrook.
Floyd.	

Absent.

Buchanan of Bell.	Strickland.
Gibson.	Suiter.
Henderson.	Woodward.
Robbins.	

Absent—Excused.

Dayton.	Smith.
Hudspeth.	

The bill was laid before the Sen-

ate, read third time and, on motion of Senator McNealus, was passed by the following vote:

Yeas—22.

Alderdice.	Floyd.
Bailey.	Hall.
Bee.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Clark.	McCollum.
Collins.	McNealus.
Dean.	Page.
Decherd.	Parr.
Faust.	Westbrook.

Absent.

Gibson.	Strickland.
Henderson.	Suiter.
Robbins.	Woodward.

Absent—Excused.

Dayton.	Smith.
Hudspeth.	

Senate Bill No. 65.

Senator Collins moved that the regular order of business (Senate Bill No. 31) be suspended, and the Senate take up, out of its order Senate Bill No. 65.

The motion prevailed by the following vote:

Yeas—15.

Bailey.	Hall.
Bee.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Caldwell.	McCollum.
Clark.	McNealus.
Collins.	Parr.
Faust.	Suiter.
Floyd.	

Nays—3.

Alderdice.	Westbrook.
Buchanan of Scurry.	

Present—Not Voting.

Dean.	Lattimore.
Johnston of Harris.	Page.

Absent.

Decherd.	Robbins.
Gibson.	Strickland.
Henderson.	Woodward.

Absent—Excused.

Dayton.	Smith.
Hudspeth.	

The Chair laid before the Senate on second reading:

S. B. No. 65, A bill to be entitled "An Act to amend Senate Bill No. 99, Chapter 101 of the General Laws of Texas, as passed by the Thirty-third Legislature at its regular session and approved April 2, 1913, as the same appears on pages 188 and 189 of the General Laws of the Thirty-third Legislature at its regular session, the same being commonly called the 'Wife Desertion Law,' and declaring an emergency."

On motion of Senator Bailey the further consideration of the bill was indefinitely postponed.

(Senator Alderdice in the chair.)

Messages from the House.

Hall of the House of Representatives,
Austin, Texas, March 21, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in all Senate amendments to House Bill No. 110, except the Senate committee amendments which were rejected by the following vote: yeas 46, nays 77.

Copy of all Senate amendments, both accepted and rejected, are transmitted herewith with endorsements thereon.

Respectfully,
BOB BARKER,

Chief Clerk House of Representatives

Hall of the House of Representatives,
Austin, Texas, March 21, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 26, A bill to be entitled "An Act to amend Article 2758, Chapter 12, Title 48, of the Revised Civil Statutes of the State of Texas, 1911, relating to the salaries of county superintendents of public instruction, increasing the salaries of said county superintendents, providing for office expenses, and declaring an emergency," with amendments.

Concurs in Senate amendments to House Bill No. 105.

Respectfully,
BOB BARKER,
Chief Clerk House of Representatives

Hall of the House of Representatives,
Austin, Texas, March 21, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 23, A bill to be entitled "An Act to amend Section 15 of Chapter 5 of the Acts of the First Called Session of the Thirty-fourth Legislature of the State of Texas, which Act was entitled 'An Act regulating the business of co-operative savings and contract loan companies,' so that hereafter such companies may invest their funds in mortgages which shall be a first lien on real estate located in any State of the United States of America, and further permitting such companies to invest their funds in Liberty bonds, and other certificates of indebtedness which have or may hereafter be authorized by the United States Congress, and declaring an emergency," with amendments.

S. B. No. 27, A bill to be entitled "An Act to permit railroad corporations, by and with the permission of the Railroad Commission of Texas and county commissioners court of the county wherein located, to change, relocate or abandon any portion of its line when without and adjacent to the limits of any incorporated city containing 50,000 inhabitants or more according to the United States census of 1910, and to permit such railroad corporation to change, relocate or abandon any portion of its line within the limits of any incorporated city containing 50,000 inhabitants or more, by and with the permission of the Railroad Commission of Texas and the city council or board of aldermen of such city; and to require such railroad corporation to make such change, relocation or abandonment upon the order of such Railroad Commission, upon the application of such city council or board of aldermen; and providing for the exercise of the right of eminent domain to acquire right of way and depot grounds, when lines are changed or relocated, and validating such changes, relocations or abandonments when heretofore authorized by the Railroad Commission of Texas; and repealing all laws or parts of laws in conflict herewith, and declar-

ing an emergency," with amendments.

Respectfully,
BOB BARKER,
Chief Clerk House of Representatives

House Bill No. 110.—Free Conference Committee Elected.

Senator Caldwell made the following motion in writing:

I move that the Senate ask the House for a Free Conference Committee on House Bill No. 110, and that the following be elected on the part of the Senate: Hall, Westbrook, Parr, Dean and Henderson.

CALDWELL.

The motion was read and laid on the table subject to call.

Senate Bill No. 1.—Free Conference Committee Report.

The Chair laid before the Senate the following report:

Committee Room.

Austin, Texas, March 21, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Hon. F. O. Fuller, Speaker of the House.

Sirs: Your Free Conference Committee on Senate Bill No. 1, hereby beg leave to submit the following report:

First. Senate concurs in House amendments Nos. 1, 3, 4, 5, 7 and 8, which are as follows:

(1) Article 2418. By striking out the words "Having a paid up capital of not less than twenty-five thousand dollars."

(3) Article 2424. By inserting after the clause "under the provisions of this chapter" the words "for six months."

(4) Article 2425. By striking out the words "And in no instance more than fifty thousand dollars."

(5) Article 2429. By striking out the words "fifty thousand dollars" and insert in place thereof the following: "The amount of deposit awarded it under the provisions of this Act."

(7) Amend Article 2435, page 7, line 18, after the word "drawn" by adding the following:

"The State Depository Board is hereby authorized and empowered

whenever there may be excess funds in the State Treasury for which there is no immediate use, to subscribe for such amount of United States Treasury Certificates of Indebtedness as their judgment may dictate, and the interest earned thereon shall be carried into the treasury to the credit of the general revenue fund."

(8) Amend Senate Bill No. 1, page 7, line 23, by inserting after the words "United States" the words "or State."

Second. The House recedes from House amendments Nos. 2 and 6, which are as follows:

(2) Article 2423. By striking out the words "Not less than double the amount of State funds deposited in said bank" and insert in place thereof the following words, "one-fifth greater than the maximum amount of State funds said bank proposes to keep."

(6) Article 2423. By striking out the words "or shall execute a bond signed by some surety company authorized to do business in Texas in an amount not less than double the amount of State funds deposited in said bank, said bond to be payable to the State Treasurer and to be in such form as may be provided by the depository board and subject to the approval of said board."

And the Free Conference Committee recommends adoption of the following substitute for amendments Nos. 2 and 6:

Amend the bill by adding after the period at the close of Article 2423 the following:

"Provided that a bond executed by any surety company may in its discretion be rejected by the Board, whenever in the judgment of said Board the same should be rejected and the action of the Board in rejecting said bond shall not be subject to revision.

PAGE,
LATTIMORE,
HOPKINS,
SUITER,
GIBSON.

On the part of the Senate.

THOMAS.
MILLER of Dallas.
BROWN.
DUDLEY.

On the part of the House.

The foregoing report was read and, on motion of Senator Page, the same was adopted.

Senate Bill No. 23—House Amendments Concurred In.

Senator McNealus called up for consideration of House amendments to:

S. B. No. 23, A bill to be entitled "An Act to amend Section 15, Chapter 5, of the Acts of the First Called Session of the Thirty-fourth Legislature of the State of Texas which Act was entitled 'An Act regulating the business of co-operative savings and contracts loan companies,' etc."

The following House amendments were laid before the Senate and read as follows:

(1) Amend Section 1, line 7, by striking out the words "this State," and inserting in lieu thereof, the phrase "the State where the contract holder resides at the time such contract is issued."

(2) Amend the bill by adding a new section thereto which shall be numbered Section 3, and renumbering the subsequent sections to correspond thereto. The new section to read as follows:

Section 3. That on and after the passage of this Act Section 2 of Chapter 5 of the Acts of the First Called Session of the Thirty-fourth Legislature of the State of Texas shall read as follows:

Section 2. All such corporations shall be under the supervision and control of the Commissioner of Insurance and Banking and it shall be his duty at least once every twelve months to cause the books of such corporations to be examined, the expense of such examination to be paid by such corporations in the same manner as now required by law for the examination of insurance companies.

(3) Amend the caption by striking out the words "this State," and inserting in lieu thereof, the phrase, "the State where the contract holder resides at the time such contract is issued."

(4) Amend the caption by adding after the word "loans" in the last line the phrase "making it the duty of the Commissioner of Insurance and Banking to examine the books of such corporations."

Senator McNealus moved to concur in the amendments, and this motion prevailed.

Senate Bill No. 26—Free Conference Committee Elected.

Senator Parr made the following written motion:

I move that the Senate refuse to concur in the House amendments to Senate Bill No. 26, and ask for a Free Conference thereon, and I move that the following Senators be elected as conferees on the part of the Senate: Bee, Lattimore, Decherd, McNealus and Faust.

PARR.

The motion was read and adopted, carrying the election of said committee.

Senate Bill No. 27—House Amendments Concurred In.

Senator Johnston of Harris called up for consideration of House amendments to

S. B. No. 27, A bill to be entitled "An Act to permit railroad corporations by and with the permission of the Railroad Commission of Texas and county commissioners court of the county wherein located, to change, relocate or abandon any portion of its line when without and adjacent to the limits of any incorporated city containing 50,000 inhabitants or more according to the United States census of 1910, and to permit such railroad corporation to change, relocate or abandon any portion of its line within the limits of any incorporated city containing 50,000 inhabitants or more, by and with the permission of the Railroad Commission of Texas and the city council or board of aldermen of such city, etc."

The following House amendments were laid before the Senate:

(1) Amend Senate Bill No. 27, page 3, line 1, add after "lines" and before "sought," "providing that no change shall be made that will seriously affect the charter obligations of any railroad company."

(2) Amend Senate Bill No. 27, Section 6, by adding to the end of said Section the following: "Provided, that, no application to alter, change or relocate railway tracks, as contemplated by this section, shall be determined upon by the governing legislative authority of such city until thirty days after publication of the proposed change or relocation of said railway tracks shall have been made

in the official newspaper of the said city."

(3) Amend Senate Bill No. 27, Section 2, by adding at the end of said Section the following: "Provided that no application to alter, change or relocate railway tracks, as contemplated by this Section, shall be acted upon by the governing legislative authority of such city until thirty days after the petition of citizens provided herein shall have been filed with said body, and publication thereof has been made for two consecutive weeks in a newspaper of general circulation within the limits of said city prior to action had thereon."

On motion of Senator Johnston of Harris, the amendments were concurred in by the Senate.

(President Pro Tem. Decherd in the chair.)

Messages from the Governor.

A messenger here appeared at the bar of the Senate with several executive messages, which were laid before the Senate and read as follows:

Governor's Office,
Austin, Texas, March 21, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

I submit for your consideration the subject of providing an adequate law to regulate the sale, distribution and handling of explosives in the State of Texas.

Respectfully submitted,
W. P. HOBBY,
Governor of Texas.

Governor's Office,
Austin, Texas, March 21, 1917.

To the Thirty-fifth Legislature in Fourth Called Session.

I submit for your consideration the enactment of a law permitting corporations to buy, sell, own, lease from or to others street cleaning machines.

Respectfully submitted,
W. P. HOBBY,
Governor of Texas.

Senate Bill No. 87.

Senator Caldwell moved that the regular order of business (Senate Bill No. 31) be suspended, and the Sen-

ate take up, out of its order, Senate Bill No. 87.

The motion was lost by the following vote:

Yeas—12.

Bailey.	Hall.
Bee.	Johnson of Hall.
Caldwell.	McNealus.
Clark.	Page.
Collins.	Parr.
Faust.	Woodward.

Nays—10.

Alderdice.	Floyd.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Dean.	Robbins.
Decherd.	Suiter.

Absent.

Gibson.	McCollum.
Henderson.	Strickland.
Hopkins.	Westbrook.

Absent—Excused.

Dayton.	Smith.
Hudspeth.	

Message from the House.

Hall of the House of Representatives,
Austin, Texas, March 21, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 36, A bill to be entitled "An Act to amend Article 5376, Revised Civil Statutes of 1911, and to repeal Article 5379 of the same statute, both relating to the delivery of patents, and declaring an emergency."

S. B. No. 30, A bill to be entitled "An Act to better provide for the location, establishment and construction of the hospital at Rusk, Texas, for the care, treatment and support of insane persons of African race, or descent, etc., and declaring an emergency."

S. B. No. 46, A bill to be entitled "An Act to provide for the creation of corporations to prevent the pollution of streams and to that end empowering such corporations to gather, impound and store water containing salt or other substance produced in the drilling or operation of oil wells or other wells; and authoriz-

ing such corporations to charge reasonable rates for service; and prohibiting discrimination between patrons; and conferring upon such corporations the power of condemnation of necessary land and rights; authorizing corporations interested in the proper disposition of such waters to subscribe for, own and vote stock in corporations created hereunder, and declaring an emergency."

Adopted Free Conference Committee report on Senate Bill No. 1.

Grants the request of the Senate for a Free Conference Committee on Senate Bill No. 26. The following have been appointed on part of the House: Messrs. Thomason of Nacogdoches, Johnson of Ellis, Terrell, Hardy and Fairchild.

Respectfully,

BOB BARKER,

Chief Clerk House of Representatives

Bills Signed.

The Chair, President Pro Tem. Decherd, gave notice of signing and did sign in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 66, A bill to be entitled "An Act to amend Section 14, Chapter 87, Acts of the Thirty-fifth Legislature, regular session of 1917, relating to the appointment of a tax assessor and collector of water improvement districts; providing that such tax assessors and collectors may be appointed by the directors or may be elected at an election called for that purpose, providing for the selection, qualification, bond, compensation and duties of tax assessors and collectors of water improvement districts; and declaring an emergency."

H. B. No. 108, A bill to be entitled "An Act to amend Section 9 of Chapter 17, Special Laws passed at the First Called Session of the Thirty-third Legislature entitled 'San Patricio County Road System, Creating,' authorizing said county or any political subdivision or defined district thereof to issue bonds not exceeding forty years from the date of issuance with such option of redemption as may be fixed by commissioners court, etc., and declaring an emergency."

S. B. No. 10, A bill to be entitled "An Act authorizing the creation and establishment of water control and

preservations districts for the control and preservation of the purity of the waters of rivers, creeks, bayous, lakes, canals, streams or other waters, for irrigation or in aid thereof, by the prevention of the inflow of salt water or other deleterious substances; the changing of said waters from salt to fresh water and the impounding of fresh water, etc.; and declaring an emergency."

H. B. No. 155, A bill to be entitled "An Act to amend Section 2, of House Bill No. 525, enacted by the Thirty-fifth Legislature at the Regular Session, creating the Nixon Independent School District and as amended by Section 1, House Bill No. 89, Thirty-fifth Legislature, First Called Session; revising metes and bounds of said district, and declaring an emergency."

H. B. No. 120, A bill to be entitled "An Act granting the State Superintendent of Public Instruction authority to extend teachers' certificates, naming the conditions under which they may be extended, and declaring an emergency."

H. B. No. 119, A bill to be entitled "An Act to validate the sale of certain public domain by the State on February 21, 1909, and declaring an emergency."

H. B. No. 141, A bill to be entitled "An Act to further regulate the conducting of fish hatcheries and the propagation of fish in this State by amending Article 4000 of the Revised Civil Statutes of this State, 1911, as amended by Chapter 146 of the Acts of the Thirty-third Legislature, providing for the distribution by the State fish hatcheries of fish to private persons, providing that the Game, Fish and Oyster Commissioner of the State of Texas, as well as the United States Commissions of Fisheries, or their duly authorized agents, may take or catch brood fish from the public fresh waters of this State for the purpose of propagation, etc.; providing a penalty for violation of this statute, and declaring an emergency."

H. B. No. 70, A bill to be entitled "An Act to amend Chapter 88, Acts of the Regular Session of the Thirty-fifth Legislature, providing a more adequate system of laws relating to irrigation by adding thereto after Section 61, Section 61a, and by adding thereto after Section 64, Sections 64a and 64b, providing for the en-

try of decisions, orders, and fixing of rates by the board for furnishing water and permitting persons, firms, and corporations interested therein to file proceedings in the District Court of Travis County, Texas, for a review and revision of rates, fixing the burden of proof in such proceeding and declaring an emergency."

House Bill No. 110—Free Conference Committee Elected.

Senator Floyd made the following written motion:

"Whereas, The House has declined to concur in the Senate committee amendment to House Bill No. 110, I move that the House be requested to appoint a conference committee to confer with a like committee from the Senate and that the Senate committee be instructed to recede from such amendment and that the following be elected on the part of the Senate: Dean, Page, Bailey, McNealus, Hopkins."

FLOYD.

The motion was read and adopted carrying election of above named committee.

Senate Bill No. 31.

The Chair laid before the Senate as regular order on second reading:

S. B. No. 31, A bill to be entitled "An Act to create a State Board, to be known as the State Board of Control, providing that the board shall be composed of three citizens of the State, and the method of their appointment, defining the method of qualifying such officers, fixing their terms of office and compensation; defining the duties and conferring authority on the board; prescribing in what manner the board may administer its department and fixing the qualifications and status of certain officers and employes to be appointed by the board in administering its affairs; abolishing certain officers and consolidating various departments of the government and placing the administering thereof under the State Board of Control, and declaring an emergency."

Senator Westbrook moved that the majority (favorable) committee report be adopted.

As a substitute Senate Clark moved that the minority (adverse) committee report be adopted.

Pending.

Senate Bill No. 69.

(By unanimous consent.)

The Chair laid before the Senate on second reading:

S. B. No. 69, A bill to be entitled "An Act providing that those engaged in any business within this State, upon which the laws require the payment of a tax on gross receipts, must obtain a permit to transact such business from the Secretary of State; providing for the issuance of such permit by the Secretary of State, what the same shall contain, and that the same shall be posted in the office of the person or concern to whom issued; providing for an application to be made for such permits and what such application shall show; the length of time such permits are to run; when those now engaged in business must obtain permits; providing for the suspension of such permits by the Secretary of State on a certificate from the Comptroller showing the holder has failed to pay his gross receipts taxes; stating the conditions, manner and method of suspending such permits, and the publication of notices with reference thereto; providing penalties for the transaction of business regulated in this Act without having obtained a permit, or transacting business after such permit has been suspended and the method of collecting such penalties; authorizing suit by the Attorney General to collect such penalties and defining the jurisdiction and venue of such suits; creating offenses for violations of this Act and fixing the punishment therefor; prescribing certain duties and conferring certain authority on the Comptroller, Secretary of State and the Attorney General with reference to administering and enforcing this Act; making this Act cumulative of all other laws on the subject; and declaring an emergency."

Senator Alderdice offered the following amendments which were read and adopted, seriatim:

(1) Amend the bill by striking out the word "January" in line 23 of the printed bill and insert in lieu thereof the word "December."

(2) Amend the bill by striking out of the word "ten" in line 29 of the printed bill, and insert in lieu thereof the word "thirty."

The bill was read second time and passed to engrossment.

On motion of Senator Alderdice, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 69 put on its third reading and final passage by the following vote:

Yeas—21.

Alderdice.	Floyd.
Bailey.	Hall.
Bec.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Clark.	McNealus.
Collins.	Page.
Dean.	Parr.
Decherd.	Robbins.
Faust.	

Absent.

Gibson.	Suiter.
Henderson.	Westbrook.
McCollum.	Woodward.
Strickland.	

Absent—Excused.

Dayton.	Smith.
Hudspeth.	

The bill was laid before the Senate, read third time and, on motion of Senator Alderdice, was passed by the following vote:

Yeas—21.

Alderdice.	Floyd.
Bailey.	Hall.
Bec.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Clark.	McNealus.
Collins.	Page.
Dean.	Parr.
Decherd.	Robbins.
Faust.	

Absent.

Gibson.	Suiter.
Henderson.	Westbrook.
McCollum.	Woodward.
Strickland.	

Absent—Excused.

Dayton.	Smith.
Hudspeth.	

House Bill No. 104.

Senator Dean moved that the regular order of business (Senate Bill No. 31) be suspended, and the Senate take up, out of its order, House Bill No. 104.

The motion prevailed by the following vote:

Yeas—17.

Alderdice.	Floyd.
Bailey.	Hall.
Bec.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Collins.	McNealus.
Dean.	Page.
Decherd.	Robbins.
Faust.	

Nays—4.

Caldwell.	Parr.
Clark.	Westbrook.

Absent.

Gibson.	Strickland.
Henderson.	Suiter.
Hopkins.	Woodward.
McCollum.	

Absent—Excused.

Dayton.	Smith.
Hudspeth.	

The Chair laid before the Senate on second reading:

H. B. No. 104, A bill to be entitled "An Act to amend Article 3003 of Chapter 7, Title 49, of the Revised Civil Statutes of Texas of 1911, relating to officers of election assisting a voter in preparing a ballot; and also amending Article 258, Chapter 2, Title 6, of the Revised Penal Code of Texas, 1911, so as to provide a penalty for the violation of said articles of the Revised Civil Statutes as the same is hereby amended."

Senator Bailey offered the following amendment, which was read and adopted:

(1) Amend the bill by adding after the word "misdemeanor" in Article 258, line 27, page 2 of the printed bill the following:

"And upon conviction thereof shall be punished by a fine of not less than two hundred dollars, nor more than five hundred dollars, or to hard labor on the public roads of the county in which the offense was committed for a time not less than sixty days, nor

more than one year, or to both such penalties."

Senator Bailey offered the following amendment:

(2) Amend the bill by amending Article 3003 by adding after the words "two judges," in line 30, page 1, of the printed bill, the words "to be appointed by the presiding judge of such election."

Senator Dean offered the following substitute for the amendment, which was read and substituted:

(2) Add after the word "judges," the following, "of such election."

The amendment as substituted was adopted.

Senator Dean offered the following amendments which were read and adopted:

(3) Amend the bill, Article 3003, Section 1, by striking out, after the words "or is over 60 years of age," line 28, page 1, the following words, "or has been a citizen of the United State for twenty-one years and is unable to read and write."

(4) The fact that this is a very important measure, and that the calendar is crowded and the end of the session is near at hand, creates an emergency and a public necessity requiring the suspension of the constitutional rule that bills be read on three several days; and that this be put upon its third reading and final passage, and it is so enacted.

And amend the caption to conform.

The bill was read second time and passed to its third reading.

On motion of Senator Dean, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 104 put on its third reading and final passage by the following vote:

Yeas—21.

Alderdice.	Floyd.
Bailey.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Clark.	Page.
Collins.	Robbins.
Dean.	Strickland.
Decherd.	Westbrook.
Faust.	

Nays—2.

Hall.	Parr.
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Absent.

Gibson.	Suiter.
Henderson.	Woodward.
McCollum.	

Absent—Excused.

Dayton.	Smith.
Hudspeth.	

The bill was laid before the Senate, read third time and, on motion of Senator Dean, was passed by the following vote:

Yeas—17.

Alderdice.	Johnston of Harris.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McNealus.
Collins.	Page.
Dean.	Robbins.
Decherd.	Strickland.
Floyd.	Suiter.
Hopkins.	Westbrook.
Johnson of Hall.	

Nays—7.

Bailey.	Faust.
Bee.	Hall.
Caldwell.	Parr.
Clark.	

Absent.

Gibson.	McCollum.
Henderson.	Woodward.

Absent—Excused.

Dayton.	Smith.
Hudspeth.	

Message from the House.

Hall of House of Representatives.

Austin, Texas, March 21, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 170, A bill to be entitled "An Act to amend Section 1, of House Bill No. 95, Chapter 38, pages 392, 393, 394 and 395, of the published laws enacted by the Thirty-fifth Legislature at its First Called Session, creating the Milano Independent School District, revising the metes and bounds of said district, excluding certain territory therefrom and declaring an emergency."

S. B. No. 72, A bill to be entitled "An Act to amend an act to reorganize the Twenty-seventh and Thirty-

fifth Judicial Districts of the State of Texas, and to fix the time for holding court therein as passed by the Thirty-third Legislature, Chapter 61; and to fix the time for holding court in the counties of the Twenty-seventh Judicial District, and to repeal all laws and parts of laws in conflict therewith, and declaring an emergency," with amendments.

S. B. No. 77, A bill to be entitled "An Act to make additional appropriations for the support and maintenance of the State Orphan Home for the remainder of the fiscal year ending August 31, 1918, and the fiscal year ending August 31, 1919, and declaring an emergency."

S. B. No. 61, A bill to be entitled "An Act authorizing the Board of Nurse Examiners for the State of Texas to employ not less than three lecturers from among the registered nurses of the State to visit the different high schools, colleges and universities of the State, those supported by public as well as private funds, to arouse a greater interest among young women in the profession of nursing, with the view of securing volunteers for this work, authorizing said board to fix the salary and compensation of said lecturers and term of their service, and providing for the payment of their compensation and expense from fees accumulated and now in the possession of or under control of said board; and declaring an emergency."

S. B. No. 86, A bill to be entitled "An Act creating and establishing the Winnie Independent School District in the counties of Chambers and Jefferson, State of Texas; defining its boundaries and divesting the bodies now controlling the same of the title of all property now held and used for public school purposes, within the territory within this act described and investing the same in the Winnie Independent School District; providing for the election of a board of trustees to manage and control the public free schools within said district; authorizing said district to issue bonds and to assume the outstanding indebtedness against any of the common school districts affected by this Act; and investing the said district with the rights, powers and privileges and duties of a town and village incorporated for free school purposes only under the general laws and declaring an emergency."

S. B. No. 102, A bill to be entitled "An Act enlarging and establishing the Jarrell Independent School District, Jarrell, Williamson County Texas, and declaring an emergency."

Grants the request of the Senate for a Free Conference Committee on House Bill No. 110. The following have been appointed on part of the House: Messrs. Bledsoe, Mathis, Cope, DeBogory, Thomason of El Paso.

Respectfully,

BOB BARKER,

Chief Clerk House of Representatives.

Bill Read and Referred.

The Chair, President Pro Tem. Decherd, had referred, after its caption had been read, the following House bill:

H. B. No. 170, referred to the Committee on Educational Affairs.

Senate Bill No. 75.

The Chair laid before the Senate on second reading:

S. B. No. 75, A bill to be entitled "An Act to amend Article 639, Chapter 9, Title 11 of the Penal Code of the State of Texas adopted in 1911, changing the punishment for vagrancy and providing for the treatment of vagrants affected with communicable venereal disease."

Senator Lattimore offered the following amendment, which was read and adopted:

(1) Amend Senate Bill No. 75 by inserting in line 18 of the printed bill, after the word "vagrancy," the following, "where the defendant is charged with being a common prostitute," and by inserting before the word "venereal" in line 19, the word "communicable" and by striking out the words "disease in a communicable stage" in lines 20 and 21, and inserting in lieu thereof the following: "is the condition of the defendant the judgment shall be that," and by inserting in line 19 after the word "kind" the following: "and that question shall be submitted to the court or jury trying the case," and by striking out the word "charge" in line 26 and inserting in lieu thereof the words "taxed as costs" and striking out all of lines 26 and 27, after the word "defendant," and inserting in

Heu thereof the words "in such proceeding."

The bill was read second time and passed to engrossment.

On motion of Senator Lattimore the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 75 put on its third reading and final passage by the following vote:

Yeas—23.

Alderdice.	Hopkins.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Clark.	Parr.
Collins.	Robbins.
Dean.	Strickland.
Decherd.	Suiter.
Faust.	Westbrook.
Floyd.	

Absent.

Gibson.	McCollum.
Hall.	Woodward.
Henderson.	

Absent—Excused.

Dayton.	Smith.
Hudspeth.	

The bill was laid before the Senate, read third time and, on motion of Senator Lattimore, was passed by the following vote:

Yeas—22.

Alderdice.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Clark.	Page.
Collins.	Parr.
Dean.	Robbins.
Decherd.	Strickland.
Faust.	Suiter.
Floyd.	Westbrook.

Present—Not Voting.

Bailey.

Absent.

Gibson.	McCollum.
Hall.	Woodward.
Henderson.	

Absent—Excused.

Dayton.	Smith.
Hudspeth.	

Senate Bill No. 76.

The Chair laid before the Senate on second reading:

S. B. No. 76, A bill to be entitled "An Act to make unlawful sexual intercourse by any person knowing or having reasonable ground to believe that he is infected with any communicable disease and to provide a penalty therefor."

Senator Lattimore offered the following amendment, which was read and adopted:

Amend Senate Bill No. 76 by changing the letter "Y" to the letter "E", at the end of the word "reasonably" in line 12, and by adding at the end of line 14 the following: "with the consent of such person" and by striking out the words "irrespective of the consent of such other person", in line 16.

The bill was read second time and passed to engrossment.

On motion of Senator Lattimore, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 76 put on its third reading and final passage by the following vote:

Yeas—21.

Alderdice.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Clark.	Page.
Collins.	Parr.
Dean.	Strickland.
Decherd.	Suiter.
Faust.	Westbrook.
Floyd.	

Absent.

Bailey.	McCollum.
Gibson.	Robbins.
Hall.	Woodward.
Henderson.	

Absent—Excused.

Dayton.	Smith.
Hudspeth.	

The bill was laid before the Senate, read third time and, on motion of Senator Lattimore, was passed by the following vote:

Yeas—21.

Alderdice.	Buchanan of Scurry.
Bee.	Caldwell.
Buchanan of Bell.	Clark.

Collins.	Lattimore.
Dean.	McNealus.
Decherd.	Page.
Faust.	Parr.
Floyd.	Strickland.
Hopkins.	Suiter.
Johnson of Hall.	Westbrook.
Johnston of Harris.	

Absent.

Bailey.	McCollum.
Gibson.	Robbins.
Hall.	Woodward.
Henderson.	

Absent—Excused.

Dayton.	Smith.
Hudspeth.	

Adjournment.

At 6:10 o'clock p. m. the Senate on motion of Senator Buchanan of Scurry, adjourned until 9:30 o'clock tomorrow morning.

APPENDIX.

Engrossing Committee Reports.

Committee Room,
Austin, Texas, March 21, 1918.
Hon. E. A. Decherd, President Pro Tem. of the Senate.
Sir: Your Committee on Engrossed Bills has had Senate Bill No. 74 carefully compared, and finds the same correctly engrossed.
ALDERDICE, Chairman.

Committee Room,
Austin, Texas, March 21, 1918.
Hon. E. A. Decherd, President Pro Tem. of the Senate.
Sir: Your Committee on Engrossed Bills has had Senate Bill No. 100 carefully compared, and finds the same correctly engrossed.
ALDERDICE, Chairman.

Committee Room,
Austin, Texas, March 21, 1918.
Hon. E. A. Decherd, President Pro Tem. of the Senate.
Sir: Your Committee on Engrossed Bills has had Senate Bill No. 48 carefully compared, and finds the same correctly engrossed.
WESTBROOK, Acting Chairman.

Committee Room,
Austin, Texas, March 21, 1918.
Hon. E. A. Decherd, President Pro Tem. of the Senate.
Sir: Your Committee on Engrossed Bills has had Senate Bill No. 63 carefully compared, and finds the same correctly engrossed.
WESTBROOK, Acting Chairman.

Committee Room,
Austin, Texas, March 21, 1918.
Hon. E. A. Decherd, President Pro Tem. of the Senate.
Sir: Your Committee on Engrossed Bills has had Senate Bill No. 108 carefully compared, and finds the same correctly engrossed.
CALDWELL, Acting Chairman.

Committee Room,
Austin, Texas, March 21, 1918.
Hon. E. A. Decherd, President Pro Tem. of the Senate.
Sir: Your Committee on Engrossed Bills has had Senate Bill No. 85 carefully compared, and finds the same correctly engrossed.
ALDERDICE, Chairman.

Committee Room,
Austin, Texas, March 21, 1918.
Hon. E. A. Decherd, President Pro Tem. of the Senate.
Sir: Your Committee on Engrossed Bills has had Senate Bill No. 60 carefully compared, and finds the same correctly engrossed.
CALDWELL, Acting Chairman.

Committee Reports.

Committee Room,
Austin, Texas, March 21, 1918.
Hon. E. A. Decherd, President Pro Tem. of the Senate.
Sir: Your Committee on Criminal Jurisprudence, to whom was referred S. B. No. 106, A bill to be entitled "An Act to prohibit any person other than the lawful owner or owners to use, traffic in, purchase, sell, convert, mutilate or destroy, or to refuse to return to such owner any milk cans, milk bottles, milk jars, butter boxes, ice cream cans or ice cream tubs branded or stamped by, or bearing the private mark of such owner, and declaring an emergency,"
Have had the same under consideration, and I am instructed to report the same back to the Senate with the

recomemndation that it do pass with the following committee amendment:

Amend the bill, page 1, section 1, by inserting after the word "tub" in line 13 the following: "without the consent of the lawful owner of same."

PAGE, Chairman.

(Floor Report.)

Senate Chamber,
Austin, Texas, March 20, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 133, A bill to be entitled "An Act to authorize the commissioners court of Bell County to fund an issue of road warrants with an issue of road improvement bonds and thereby relieve the road and bridge fund of the warrant debt; and declaring an emergency,"

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

Caldwell, Chairman; Clark, Buchanan of Scurry, Floyd.

(Floor Report.)

Senate Chamber,
Austin, Texas, March 20, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries to whom was referred

H. B. No. 166, A bill to be entitled "An Act to amend Chapter 88 of the special laws of the regular session of the Thirty-fifth Legislature, known as the Henderson County road law, by adding thereto immediately following Section 15, on page 350, Sections 15a, 15b, 15c, 15g, 15h, 15i, 15j, 15k, 15m, 15n, 15o, 15p, providing for the issuance of bonds by the said county, or any political subdivision thereof; etc., and declaring an emergency,"

Have had the same under consideration and beg leave to report same back to the Senate with the recommendation that it do pass, and be not printed.

Caldwell, Chairman; Clark, Buchanan of Scurry, Floyd.

(Floor Report.)

Senate Chamber,
Austin, Texas, March 20, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries to whom was referred

S. B. No. 148, A bill to be entitled "An Act creating a more efficient road system for Chambers County, Texas; providing for the establishment of the office of superintendent of public roads and bridges in said county; providing the manner of appointing or electing such superintendent, etc., and declaring an emergency,"

Have had the same under consideration and beg leave to report same back to the Senate with the recommendation that it do pass, and be not printed.

Caldwell, Chairman; Clark, Buchanan of Scurry, Floyd.

(Floor Report.)

Senate Chamber,
Austin, Texas, March 21, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: We, your Committee on Public Building and Grounds, to whom was referred

H. B. No. 140, A bill to be entitled "An Act requiring the heads of the departments located in the Capitol and the State Land Office Building in the city of Austin to file with the Superintendent of Public Buildings and Grounds, a complete inventory of all furniture, fixtures, machinery, machines, typewriters and other office utilities except books and stationery: fixing the time when such inventories shall be filed; making the heads of the departments responsible for the property not accounted for and lost by reason of carelessness and negligence of the officer; making it the duty of the Superintendent of Public Buildings and Grounds to check up such inventories and make demand for the restoration or payment of all property not lawfully accounted for; declaring that departmental heads shall neither purchase nor sell any of the personal property enumerated in this Act, but when no longer of use shall be delivered to the Superintendent of Public Buildings and Grounds

for disposition; making it the duty of the Superintendent of Buildings and Grounds to furnish the various departments with all furniture, fixtures, office necessities and utilities heretofore named, except stationery and books; regulating the manner of purchases for such purposes, but declaring that all purchases made prior to August 31, 1918, shall be made as now provided in appropriation bills; and declaring an emergency."

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Buchanan of Bell, Chairman; Westbrook, Caldwell, Floyd, Buchanan of Scurry.

(Floor Report.)

Senate Chamber,
Austin, Texas, March 20, 1917.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: We, your Committee on Labor, to whom was referred

S. B. No. 108, A bill to be entitled "An Act to amend Section 1, Chapter 189, of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-fifth Legislature of the State of Texas, 1917, relating to official shorthand reporters compensation in Dallas County,"

Have had the same under consideration and beg to report the same back to the Senate with the recommendation that it do pass, and be not printed.

McNealus, Chairman; Smith, Clark, Lattimore, Henderson, Bee, Suiter.

Committee Room,
Austin, Texas, March 21, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 27, A bill to be entitled "An Act to amend Articles 475 and 476 of the Penal Code of the State of Texas, prohibiting the carrying of any pistol, dirk, dagger, slung-shot, sword, cane, or knuckles made of any material or any hard substance, bowie knife, or any other knife manufactured or sold for purposes of offense or defense; prescribing a punishment therefor; making excep-

tions thereto in favor of certain officers; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

PAGE, Chairman.

Committee Room,
Austin, Texas, March 21, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: We, your Committee on Penitentiary Affairs, to whom was referred

H. B. No. 134, A bill to be entitled "An Act to authorize the payment by the State Prison Commission of debts contracted by the Prison Commission prior to January 7, 1915, for which appropriation was made from the General Revenues by Chapter 201, Acts of the Thirty-fifth Legislature, Regular Session; providing that the sum of Three hundred sixty-two thousand four hundred twenty-three and 43-100 dollars paid in discharge of Prison System indebtedness from the General Revenues for the fiscal year beginning September 1, 1917, be transferred from the Special Funds of the Prison Commission to the General Revenue; providing that the further sum of three hundred eighty-seven thousand, seven hundred eighty-three and 51-100 dollars be provided to be paid from the General Revenues during the fiscal year beginning September 1, 1918, in discharge of Prison System indebtedness may be paid from funds of the Prison System at the time and under the conditions specified in said Acts providing for payment of such Prison Commission indebtedness and interest thereon; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

DEAN, Chairman.

(Floor Report.)

Senate Chamber,
Austin, Texas, March 21, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 111, a bill to be entitled

"An Act making it the duty of sheriffs, constables and their deputies, the policemen and all other peace officers of the State, to assist the officers of the United States whose duty it is to enforce the provisions of an Act of Congress entitled 'An Act to prohibit the manufacture, distribution, storage, use and possession in time of war of explosives, providing regulations for the safe manufacture, distribution, storage, use and possession of the same, and for other purposes'; and making it the duty of said peace officers to report to the proper officers of the United States any fact or circumstance showing or indicating a violation of said Act; providing a punishment for the failure of any such peace officer to discharge the duties imposed by the provisions of this Act; and declaring an emergency."

Have had the same under consideration, and beg to report the same back to the Senate with the recommendation that it do pass.

Page, Chairman; Caldwell, Suiter, Collins, Hall, Lattimore, Westbrook, Strickland.

Committee Room,
Austin, Texas, March 21, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred S. B. No. 109, A bill to be entitled "An Act to amend Section 2 of an Act passed by the First Called Session of the Thirty-first Legislature, Chapter 8, Special Laws, entitled 'An Act to authorize, enable and permit the territory situated within the the bounds of the city of Amarillo, in the county of Potter and State of Texas, and other land and territory adjacent thereto in Potter County, to incorporate as an independent school district for free school purposes only, to be known as the Amarillo Independent School District, with all the powers, rights and duties of independent school districts formed by incorporations of towns and villages for free school purposes only: and to provide for the election of trustees, raising of revenue by taxation, issuing of bonds, acquiring the property of and assuming the indebtedness of the Amarillo Independent School District, and of the Amarillo Independent School District within the city limits, and dissolving the

Amarillo Independent School District within the city limits, and repealing Chapter 136, Acts of 1905, relating to the incorporation of the Amarillo Independent School District, and declaring an emergency,' so as to add certain territory in Randall County, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be no printed.

BEE, Chairman.

Committee Room,
Austin, Texas, March 21, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred H. B. No. 97, A bill to be entitled "An Act to amend Section 5, Chapter 78, pages 147, 148 and 149, passed at the Regular Session of the Thirty-fifth Legislature, known as the interchangeable jury law, so as to hereafter read as follows, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed; but be printed in the Journal.

BAILEY, Chairman.

By Holland H. B. No. 97.
and Carlock.

A BILL
To be entitled

An Act to amend Section 5, Chapter 78, pages 147, 148 and 149, passed at the Regular Session of the Thirty-fifth Legislature, known as the interchangeable jury law, so as to hereafter read as follows, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 5 of Chapter 78, pages 147, 148 and 149, known as the interchangeable jury law, passed at the Regular Session of the Thirty-fifth Legislature, is so amended as to hereafter read as follows:

Sec. 5. Said jurors, when impaneled, shall constitute a general panel for the week, for service as jurors in all the county and district courts

in said county, and shall be used interchangeably in all of the said courts. In the event of a deficiency of said jurors at any given time to meet the requirement of all said courts, the judge having control of said general panel for the week shall order such additional jurors to be drawn from the wheel as may be sufficient to meet such emergency, but such jurors shall act only as special jurors and shall be discharged as soon as their services are no further needed. Resort to the wheel shall be had in all cases to fill out the general panel, except where waived by the parties or their attorneys; provided that by written agreement entered into by all parties to any cause or suit, or the attorneys of record in such suit or cause and filed therein, the sheriff or other officer in attendance upon said court, may summon the jury needed, or any part of same, in such cause or suit by talesmen, without resorting to the jury wheel, and in such cause or suit said jurors so selected shall be paid as if regularly drawn from the jury wheel.

Sec. 2. The fact that there is no law now authorizing the summoning and selecting of a jury by agreement of all parties, and where the same has been done the county auditors and county clerks have refused to pay the same, claiming that the jurors were not summoned out of the wheel as required by law, which works a great injustice upon litigants and persons who are charged with crime and demanding jury trials upon short notices in the courts in order to meet this difficulty in the law, passed by the Regular Session of this Legislature and in order that justice may be done to all parties creates an emergency and an imperative public necessity which requires the suspension of the constitutional rule that all bills be read on three several days be suspended, and the rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Enrolling Committee Reports.

Committee Room,
Austin, Texas, March 21, 1918.
Hon. E. A. Decherd, President Pro
Tem. of the Senate.
Sir: Your Committee on Enrolled

Bills have carefully examined and compared Senate Bill No. 10, a copy of which is hereto attached and find it correctly enrolled, and have this day at 5 o'clock p. m. presented same to the Governor for his approval.

HOPKINS, Acting Chairman.

Committee Room,
Austin, Texas, March 21, 1918.

Hon. E. A. Decherd, President Pro
Tem. of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 58, a copy of which is hereto attached and find it correctly enrolled and have this day at 11 o'clock a. m. presented same to the Governor for his approval.

HOPKINS, Acting Chairman.

Committee Room,
Austin, Texas, March 21, 1918.

Hon. E. A. Decherd, President Pro
Tem. of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 54, copy of which is hereto attached and find it correctly enrolled, and have this day at 11 o'clock a. m. presented same to the Governor for his approval.

HOPKINS, Acting Chairman.

Committee Room,
Austin, Texas, March 21, 1918.

Hon. E. A. Decherd, President Pro
Tem. of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 67 copy of which is hereto attached and find it correctly enrolled and have this day at 5 o'clock p. m. presented same to the Governor for his approval.

HOPKINS, Acting Chairman.

By Hudspeth. S. B. No. 67.

An Act to amend Article 2585, Chapter 4, Title 47, of the Revised Civil Statutes of Texas of 1911, relating to the qualifications of drainage district commissioners; providing for appointment of such commissioners and their qualifications, compensation, terms of office, providing for their election instead of appointment upon petition of voters and providing the duties of such officers, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 2585, Chapter 4, Title 47 of the Revised Civil Statutes of the State of Texas 1911, be and the same is hereby amended so as to hereafter read as follows:

"Article 2585. After the establishment of any drainage district as herein provided, the commissioners' court shall appoint three drainage commissioners, all of whom shall be residents of the county or an adjoining county, who shall be freehold tax payers of the district and legal voters of the county of their residence, whose duty shall be as hereinafter provided and who shall each receive for their services the sum of not more than \$2.50 per day for the time actually engaged in the work of said district; provided the compensation, if any, shall have been definitely fixed in the order of the court; and before any amount shall be paid the said commissioners, or either of them, shall make a detailed report to the commissioners court of the time actually consumed in the work for said district, and of the work done, and such report shall be audited and approved by the commissioners court. Said drainage commissioners shall hold office for the term of two years, and until their successors have qualified, unless sooner removed by a majority vote of the county commissioners for malfeasance or nonfeasance in office. Upon expiration of the term of office of said drainage commissioners, the commissioners court shall appoint their successors by a majority vote; provided that after the election establishing a drainage district, if a majority of the real property tax payers of such district residing in such county, present a petition to the county commissioners court, praying for an election in said district for the purpose of electing three drainage commissioners therefor, the county commissioners' court shall immediately order an election to be held in said district for said purpose at the earliest legal time, and an election shall be held and the returns thereof made as hereinbefore provided for other elections, and the same qualifications hereinbefore provided for voting at other elections shall apply in said election. The commissioners court

shall canvass said returns and declare the result at their next regular or special session, and the three persons receiving the highest number of votes shall be declared elected. In the event the third highest vote be tied, the commissioners court shall elect the third drainage commissioner from among those receiving the third highest vote. Such commissioners so elected, when duly qualified by this Act, shall be the legal and rightful drainage commissioners for such district within the full meaning, intent and purpose of this law. All drainage district commissioners elected as herein provided shall hold their offices, until the next regular election for State and county officers, and shall then and thereafter be elected every two years at such general election."

Sec. 2. The fact that the drainage districts cannot be organized in such counties where such drainage is needed to increase the production of food and feed crops, because the landowners live in nearby towns outside of the proposed districts, creates an emergency and an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days be suspended, and that this Act take effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 21, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 66 copy of which is hereto attached and find it correctly enrolled and have this day at 5 o'clock p. m. presented same to the Governor for his approval.

HOPKINS, Acting Chairman.

By Hudspeth.

S. B. No. 66

An Act to amend Section 15 Chapter 87, Acts of the Thirty-fifth Legislature, Regular Session 1917, relating to the appointment of a Tax Assessor and Collector of Water Improvement Districts, providing that such tax assessors and collectors may be appointed by the directors or may be elected at an election called for that purpose, providing for the selection, qualification, bond, compensation and

duties of tax assessors, and collectors of water improvement district; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 15, Chapter 87, Acts of the Thirty-fifth Legislature, Regular Session 1917, be and the same is hereby amended so as to hereafter read as follows:

"Section 15. The office of assessor and collector herein provided shall be filled by the same person, who hereafter shall be appointed by the directors, or be elected at an election held for that purpose ordered by the directors, and before entering upon his duties as such assessor and collector, he shall qualify by making and entering into a good and sufficient bond to be approved by the directors in the sum of five thousand dollars conditioned for the faithful performance of his duties as assessor and collector, and for the paying over to the district depository of all sums of money coming into his hands as such collector; provided, however, that, the directors shall require additional security in the event the same may become necessary; and such assessor and collector shall be a resident of the district or of any town within the general boundaries of the district and a qualified voter in the county, and shall receive such compensation for his services as may be provided by the board of directors, not to exceed fifteen hundred dollars per annum; provided that in case any district organized hereunder is appointed fiscal agent by the United States or by the United States is authorized to make collections of money for and on behalf of the United States in connection with any Federal reclamation project, such assessor and collector and each director shall execute a further additional official bond in such sum as the Secretary of the Interior may require, conditioned for the faithful performance of the duties of his respective office and the faithful discharge by the district of its duties as fiscal or other agent of the United States under such appointment or authorization, such additional bonds to be approved, recorded and filed as herein provided for other official bonds, and any such additional

bonds may be sued on only by the United States or any person injured by the failure of such officer or the district to fully, promptly and completely perform their respective duties; provided that the board of directors may require the assessor and collector to perform other duties than those herein imposed on him as assessor and collector of taxes, and when such other duties are so required of him, he shall be paid such additional compensation as shall be fixed by the board of directors, but in such event it shall never exceed the maximum salary herein provided for."

Sec. 2. The fact that in some water improvement districts the directors cannot agree upon the appointment of a tax assessor and collector and that such officer is essential to the business of such districts, creates an emergency and an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days be suspended, and that this Act take effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 21, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 28, copy of which is hereto attached and find it correctly enrolled and have this day at 11 o'clock a. m. presented same to the Governor for his approval.

HOPKINS, Acting Chairman.

S. B. No. 28.

By Dean.

An Act creating a court to be styled the Commission of Appeals of the State of Texas, to consist of six persons, learned in the law, to be appointed by the Governor by and with the advice and consent of the Senate, which shall sit in two sections known as Section A and Section B, each section consisting of three members, and who shall hold their office from the first Monday in October, 1918, until the last Saturday in June, 1920, and receive for their services a salary of \$5,000.00 each per annum, and providing that parties to any causes now or hereafter pending in the

Supreme Court may consent, in writing, to the action of the Commission thereon and the certification of such action; and providing that the Supreme Court shall have power and authority to refer to said Commission of Appeals any cases now or hereafter pending before said court for examination and report thereon; and making it the duty of the Supreme Court in certain circumstances to refer cases to said Commission of Appeals; providing for the consideration of all such cases by the Commission of Appeals and for report thereon; for the adoption of such report by the Supreme Court; and providing the effect that shall be given to such reports, when adopted by the Supreme Court; providing for costs that shall accrue in cases referred to said Commission of Appeals; providing for appointment of stenographers for said Commission of Appeals and fixing their compensation; providing for a seal for said Commission of Appeals; defining the power and authority of said Commission, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That a court, which shall be styled the Commission of Appeals of the State of Texas, to consist of six persons learned in the law, to be appointed by the Governor, by and with the advice and consent of the Senate, if in session, and whose term of office shall be from the first Monday in October, 1918, until the last Saturday in June, 1920, be and the same is hereby created. The members of said Commission of Appeals of the State of Texas shall have the same qualifications as are prescribed by law for the Judges of the Supreme Court of the State, and shall receive for their services the same salary, to be paid in the same manner as are the salaries of the Judges of the Supreme Court; the members of said Commission of Appeals shall, before entering upon the discharge of their duties as such, respectively take the oath of office prescribed by the Constitution.

In case of a vacancy on said Commission of Appeals by the death, resignation or removal of any member thereof, during the vacation of the

Legislature, it shall be the duty of the Governor to fill the same by appointment, and the persons appointed shall continue in office until the next regular session of the Legislature after the appointment. The concurrence of two of the judges of any section shall be necessary to the decision of any question or matter referred to them.

Sec. 2. Said Commission of Appeals shall be divided into, and it shall sit in, two sections to be known as Section A and Section B, each of which shall consist of three members, and the Governor, in making the appointments to membership on said Commission of Appeals shall designate for which section thereof the appointments are respectively made, and each section of said Commission of Appeals shall be a complete entity in and of itself and shall have all of the power and authority hereinafter conferred upon the Commission of Appeals; but there shall be only one clerk for said Commission of Appeals, and the entire Commission of Appeals shall sit and act together in the making and formulating of the rules of procedure hereinafter provided for. And when authority is given in this Act for the reference of any case to said Commission of Appeals, such case may be referred to either section thereof.

Sec. 3. Said Commission shall have the power to hear and pronounce award upon all civil cases now and hereafter pending in the Supreme Court, wherein the parties or their attorneys may file consent, in writing, to the reference thereof to said Commission.

Sec. 4. Said Commission shall report its conclusions or award to the Supreme Court in the cases so referred, and may accompany the same with a brief synopsis of the case and their opinion thereon; and the conclusions or award aforesaid shall be and become the judgment of said Supreme Court, and said court shall make and render such further order, judgment, or decree thereon as may be necessary or proper to make said award effective.

Sec. 5. The opinion of said Commission in the cases so referred to it by consent, in writing, shall not be published in the reports of the decisions of the Supreme Court, nor shall the same have any further or other effect than to determine the particular

causes wherein rendered, and shall have no force or effect or authority as precedent in other causes, unless otherwise decided by the Supreme Court.

Sec. 6. The Supreme Court is hereby authorized and empowered to refer to said Commission of Appeals of the State of Texas any case or cases now or hereafter pending before said court, for examination and report thereon; and it shall be the duty of the Supreme Court, in order to relieve the docket of said court of the great number of cases now encumbering it, from time to time to refer to said Commission of Appeals so many of said cases now and hereafter pending in said court as may be reasonably considered and acted upon by the same at the several sessions thereof, having respect in such reference to the length of time such cases have been pending as well as to promote an early disposition of the cases on the docket; provided, that when any case is referred by the Supreme Court to said Commission of Appeals, the counsel for both parties shall have notice thereof, and shall have the right to be heard upon the same as if said cause were tried by the Supreme Court, and said Commission of Appeals shall make rules regulating the hearing of causes submitted to them.

Sec. 7. When said Commission of Appeals has considered and determined upon the proper disposition of any case referred to the same, according to Section 6 of this Act, their opinion shall be submitted, together with a brief synopsis of the case, to the Supreme Court, and the record shall be returned therewith; the report so made may be used by said Supreme Court to facilitate it in reaching a conclusion upon the law and facts of the case.

Sec. 8. The opinion of said Commission of Appeals in cases referred to it by the Supreme Court, when adopted by said court, shall be published as the opinion thereof, as in other cases, unless otherwise directed by the Supreme Court.

Sec. 9. In cases referred to the Commission of Appeals under this Act, the papers shall not be re-filed with said Commission of Appeals, and only such additional costs as may be essential to carry into effect the provisions hereof shall be incurred

by the parties to such cases by reason of the reference thereof.

Sec. 10. Said Commission of Appeals shall hold its sessions in Austin, Texas, at the same time and place as the Supreme Court, but the said Commission of Appeals shall continue their work during the vacation of the Supreme Court in mid-summer, subject, however, to the right of said judges of the Commission of Appeals to take a vacation, not to exceed eight weeks, during said period. They shall appoint as many stenographers not exceeding four, as said Commission may find necessary, and such stenographers shall perform the duties required of them by said Commission of Appeals, and each of whom shall receive an annual salary not to exceed fifteen hundred dollars. The salaries of said stenographers shall be paid in monthly installments, on warrants approved by the Chief Justice of the Supreme Court. The clerk of the Supreme Court shall perform the duties of clerk of said Commission of Appeals, and no extra fees shall be allowed the clerk of the Supreme Court, or his deputy, for services rendered said Commission save and except an additional compensation of fifteen hundred dollars per annum for such services, in addition to the compensation now allowed him by law, to be paid out of the fees of his office.

Sec. 11. Said Commission of Appeals shall have a seal, being a star with five points and the words, "Commission of Appeals of the State of Texas" around the same. Regular dockets and minutes of all proceedings by or before said Commission of Appeals shall be kept, and the records and proceedings of courts of record, and all cases shall be docketed in the order in which they are transferred or referred by the Supreme Court.

Sec. 12. Said Commission of Appeals shall have the right to issue writs of certiorari to perfect the record, and such process as the Supreme Court might issue to make parties, and shall have the power to punish for contempt.

Sec. 13. All laws and rules regulating practice and procedure in the Supreme Court shall be of force in the practice and proceedings of said Commission of Appeals so far as the same are applicable, and all applica-

tions for rehearing in cases referred to said Commission of Appeals shall be made before and determined by the Commission of Appeals.

Sec. 14. The sum of forty-five thousand (\$45,000.00) dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the treasury not otherwise appropriated, for the payment of the salaries of the judges of said Commission, and all other expenses of executing the provisions of this Act for the period ending August 31, 1919.

Sec. 15. The Commission of Appeals created hereby shall begin their service on the first Monday in October, 1918, and shall continue in existence until the last Saturday in June, 1920.

Sec. 16. The fact that the docket of the Supreme Court is now very much congested, and that it will be impossible for the said Court to relieve said docket for many years unless this measure for its relief shall be enacted, creates an emergency and an imperative public necessity, requiring the suspension of the constitutional rule that bills be read on three several days, and that this Act take effect and be in force from and after its passage, and it is so enacted.

TWENTY-FIRST DAY.

Senate Chamber,
Austin, Texas.

Friday, March 22, 1918.

The Senate met at 9:30 a. m. pursuant to adjournment and was called to order by President Pro Tem. Decherd.

By unanimous consent, and on request of Senator Westbrook, the Senate stood at ease for thirty minutes, at the expiration of which time, the roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hall.
Bailey.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Clark.	Page.
Collins.	Parr.
Dean.	Strickland.
Decherd.	Suiter.
Faust.	Westbrook.
Floyd.	Woodward.

Absent.

Hudspeth. Robbins.

Absent—Excused.

Dayton. McCollum.
Gibson. Smith.
Henderson.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Alderdice.

Excused.

Senator McCollum was excused indefinitely on account of important business on motion of Senator Johnson of Hall.

Senators Henderson and Gibson for today on account of important business on motion of Senator Lattimore.

Petitions and Memorials.

See Appendix.

Committee Reports.

See Appendix.

Bills and Resolutions.

By Senator Collins:

S. B. No. 112, A bill to be entitled "An Act to establish and create a court to be known as the 'County Court of Jefferson County at Law No. 2,' and to prescribe its organization, jurisdiction and procedure and to conform the jurisdiction and procedure of other courts thereto, and to declare an emergency."

Read first time and referred to the Committee on Civil Jurisprudence.

Simple Resolution No. 48.

Whereas, The Senate of Texas learns with deep regret of the death of Hon. Jno. W. Robbins, a former distinguished member of the Texas Legislature, and State Treasurer of Texas; a near relative of Senator Clyde Robbins, now serving in this body, and

Whereas, The Hon. Jno. W. Rob-